

**MAINE FUEL BOARD  
MEETING MINUTES**

Meeting Date: March 31, 2016  
Meeting Location: Central Conference Room  
Time Meeting Began: 9:00 a.m.

**CALL TO ORDER AND WELCOME/INTRODUCTIONS**

Board Chair, Lionel Landry, called the meeting to order.

The following members were present:

Lionel Landry  
Jeffrey Choate  
Charles Martin  
Mark Bossie  
Paul McClay  
Dale Canning  
David Foster  
Richard McCarthy

Staff Present:

Catherine Carroll, Board Administrator  
Vickey Gray, Board Clerk  
Peter Holmes, Senior Inspector  
Dale Hersey, Inspector

AAG Present:

Judith Peters

**OLD BUSINESS**

**Action on Board Minutes of December 9, 2015** - A motion was made to approve the December 9, 2015 minutes as written.

Motion: David Foster  
Second: Richard McCarthy  
Unanimous

## **NEW BUSINESS**

### **Election of Chair**

A motion was made to nominate Lionel Landry as board chair.

Motion: David Foster  
Second: Mark Bossie  
Unanimous

## **ADJUDICATORY HEARING**

**2014-FUE-10270 – David Collins** - Hearing Officer Rebekah Smith opened the hearing. David Collins was present and was not represented by counsel. Assistant Attorney General Judith Peters advocated the State's position.

A motion was made to find Mr. Collins in violation of NFPA 54, 2009 edition, Chapter 9 Section 9.1.1.2.

Motion: Dale Canning  
Second: Charles Martin  
Unanimous

A motion was made to find Mr. Collins in violation of NFPA 54, 2009 edition, Chapter 9 Section 9.1.1.2.

Motion: Dale Canning  
Second: Richard McCarthy  
Unanimous

A motion was made to dismiss the first two allegations listed in Condition #2 of the Order of Correction.

Motion: Dale Canning  
Second: David Foster  
Abstained: Charles Martin  
Motion carried

A motion was made to find Mr. Collins in violation of NFPA 54, 2009 edition, Chapter 9, Section 7.2.8 & Chapter 9, Section 9.1.1.2.

Motion: Mark Bossie  
Second: Charles Martin  
Unanimous

A motion was made to find Mr. Collins in violation of Maine Laws & Rules, 2012 edition, Chapter 205, Section 2.

Motion: Charles Martin  
Second: Richard McCarthy  
Unanimous

A motion was made to find Mr. Collins in violation of NFPA 54, 2009 edition, Chapter 9 Sections 9.6.4 & 9.6.4.1.

Motion: Jeffrey Choate  
Second: Paul McClay  
Unanimous

A motion was made to find Mr. Collins in violation of NFPA 54, 2009 edition, Chapter 9 Section 9.1.1.2.

Motion: Richard McCarthy  
Second: Paul McClay  
Abstained: Dale Canning, Mark Bossie  
Motion carried

A motion was made to find Mr. Collins in violation of NFPA 54, 2009 edition, Chapter 9 Section 9.7.1.

Motion: Dale Canning  
Second: David Foster  
Unanimous

A motion was made to find Mr. Collins in violation of 10 M.R.S. § 8803(5-A)(A)(4) and (5) in that any violation of the Board's Laws or Rules is a ground for the imposition of discipline by the Board.

Motion: Charles Martin  
Second: Richard McCarthy  
Unanimous

A motion was made to find Mr. Collins in violation of 32 M.R.S. § 18107 in that propane and natural gas burning equipment installations performed in this State must conform to the standards and rules adopted by the Board.

Motion: Dale Canning  
Second: Richard McCarthy  
Unanimous

A motion was made to find Mr. Collins in violation of 32 M.R.S. §§ 18110(2) and 18111 in that a person ordered to correct a deficiency in a propane or natural gas-fired installation must either appeal the Order of Corrections in writing within 30 days or make the corrections within 10 days.

Motion: Richard McCarthy  
Second: Dale Canning  
Unanimous

Minutes of March 31, 2016 Meeting

**Complaint No. 2015-FUE-11701**

A motion was made to find Mr. Collins in violation of 10 M.R.S. §§ 8003(5-A)(A)(2), in that any misconduct committed in the practice of installing propane and natural gas burning equipment is a ground for both denial of licensure and the imposition of discipline by the Board.

Motion: Charles Martin

Second: David Foster

Unanimous

**Complaint No. 2014-FUE-10270**

A motion was made to assess a fine in the amount of \$1,500.00 for violating 10 M. R.S. § 8003(5-A)(A)(4) and (5).

Motion: Charles Martin

Second: Richard McCarthy

Opposed: Charles Martin, Lionel Landry, Richard McCarthy

A motion was made to amend the above motion to assess a fine in the amount of \$500.00 for each of the three counts.

Motion: Paul McClay

A motion was made to amend the above amendment to issue a reprimand and assess a fine in the amount of \$500.00 for each of the three counts.

Motion: Jeffrey Choate

Second: David Foster

Opposed: Richard McCarthy, Charles Martin

Motion carried

A motion was made to order the fine due within one year of receipt of the Board's Decision and Order.

Motion David Foster

Second: Paul McClay

Abstained: Charles Martin

Motion carried

## **Complaint No. 2015-FUE-11701**

A motion was made to issue a Reprimand and assess a fine in the amount of \$1,500.

Motion: Richard McCarthy  
Second: Charles Martin  
Unanimous

A motion was made to order the fine due within 365 days of receipt of the Board's Decision and Order.

Motion: Richard McCarthy  
Second: Jeffrey Choate  
Unanimous

## **ADMINISTRATOR'S REPORT**

Catherine Carroll informed the members that the new examination vendor, Prov, is administering the master and journeyman 1&2 oils up to 15 gph examinations. She said that all of the examinations are being revised. Catherine informed the members that Commissioner Head is aware of the status of board member appointments.

## **SENIOR INSPECTOR'S REPORT**

### **State Fire Marshal's Office/Other Offices & Agencies**

6 requests from the State Fire Marshal's Office

2 Oil

1 MH – undetermined due to damage  
1 Toyo WH found not to be the cause

4 Gas

1 Multi-family – Heater likely ignition source for flammable vapors  
1 Fatal – likely clothing ignited from stove  
1 Vaporizer tank failure  
1 Tank mounted IR heater – failure of heater components

The inspection staff continued to get requests for assistance from local CEO's. Everything from propane tank location and protection issues to conversion burner install problems. Mostly gas related.

### **Dispensers/Bulk Plants**

Bulk plants slow but applications starting to pick up.

Projected bulk plant for Rigby Yard in South Portland cancelled due to continued local resistance.

Several issues cropping up with dispensers which have lapsed licenses and companies are still delivering despite the boards rule. Hopefully continued education with the companies will result in better compliance.

## **Natural Gas**

Conversions way down due to low oil prices.  
Expansion by utilities has slowed considerably.

## **Pellet Authority Update**

31 pellet authorities added to Journeyman and Master licenses.  
25 Masters – 6 of which already have solid fuel licenses.  
6 Journeyman

## **Testing update**

Currently the master and journeyman 1&2 Oils Up to 15 GPH tests are active.  
Master and Journey Solid Fuel examination has been submitted and should be active shortly.  
Appliance Connection & Service examination has been submitted and should be active shortly.  
Large Equipment examination has been reviewed and awaiting changes before reviewing again.  
The following examinations have yet to be submitted to us for review:

1&2 Oils Over 15 GPH – MS & JY  
4,5,6 Oils – MS & JY  
Delivery Technician  
Plant Operator  
Tanksetter and Outside Piping Technician

## **Problem with 13.8.2.5**

In our continued effort to make sure that the rules continue to be concise and enforceable, we have uncovered a poorly worded section with the current gas requirements.

13.8.2.5 points to a requirement of a common gas shut off for multiple appliance rooms connected to a common gas supply, where the opening of an emergency or thermal switch would shut down that gas supply. However, there is no requirement for such a valve.

This is an adapted section from Oil and Solid Fuel (Oil – 8.16.3.2.1, Solid – 9.12.2.1.2) where there are common fuel supplies which typically have an electrically powered transfer device that needs to be shut down in the event of an emergency, to prevent fuel from continuing to be delivered to the building, and especially the appliance involved.

Gas however, presents special problems with this model for two reasons:

1. We do not have the requirement for an electrically powered shut off device in the main, not is there usually one present.

2. Unlike oil and solid fuel, gas often has remove devices such as water heaters, which although are required to be configured with these safety devices, are not necessarily in a “boiler room” as such, often a single outlet on demand device in a bathroom, locker room or kitchen.

The Fuel Board Inspectors have reviewed the section and have concluded that since there is no requirement for an electrically powered S/O valve for the building, we cannot require one.

The final sentence of 13.8.2.5 refers to common fuel supply, which is a moot point if there is no electrically powered shut off for the common gas supply.

That said, we believe that the intent of the requirement (although wording isn't clear) is to have all such “appliance Rooms” in that building comply with the requirement of having the ESW and TCO shut off all the appliances in the room.

In anticipation of clarifying this issue, we have crafted language changes which could be submitted in future rulemaking.

### **KENNEBEC VALLEY COMMUNITY COLLEGE**

The members of the Board reviewed the request from the Kennebec Valley Community College for course approval of their 200 hour oil burner course to meet the board's professional qualifications pursuant to M.R.S. § 18133(2)(B).

A motion was made to approve Kennebec Valley Community College's 200 hour oil burner course.

Motion: Dale Canning  
Second: Paul McClay  
Unanimous

### **OTHER BUSINESS**

The members expressed interest in creating a monthly newsletter.

### **ADJOURNMENT**

A motion was made to adjourn at 12:55 p.m.

Motion: Paul McClay  
Second: Charles Martin  
Unanimous

*Respectfully submitted,  
Vickey Gray*